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National Foundation on the Arts and Humanities Act and Museum Services Act: Extensions (1979): Report 02

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[COMMITTEE PRINT]

Calendar No.

96th CONGRESS
1st Session

S. 1386

[Report No. 96-__]

To amend and extend the National Foundation on the Arts and the
Humanities Act of 1965, and for other purposes.

IN THE SENATE OF THE UNITED STATES

June 21 (legislative day, May 21), 1979

Mr. Pell introduced the following bill; which was read twice and
referred to the Committee on Labor and Human Resources

October 31, 1979

Reported by Mr. Pell, with an amendment

[Strike out all after the enacting clause and insert the part
printed in italic]

A BILL

To amend and extend the National Foundation on the Arts and the
Humanities Act of 1965, and for other purposes.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled,
3 ~~That this Act may be cited as the "Arts, Humanities, and~~
4 ~~Museum Services Act of 1979."~~
5 State humanities councils
6 ~~Sec. 2. (a) Section 7(f)(2) of the National Foundation on~~
7 ~~the Arts and the Humanities Act of 1965 is amended to read as~~
8 ~~follows:~~
9 ~~"(2) In order to receive assistance under this~~
10 ~~subsection in any fiscal year, a State shall submit an~~
11 ~~application for such grants at such time as shall be~~

1 specified-by-the-Chairman-and-accompany-such-applications
 2 with-a-plan-which-the-Chairman-finds--

3 "(A)-designates-or-provides-for-the-establishment-of
 4 a-State-agency-(hereafter-in-this-section-referred-to-as
 5 the-'State-agency')-as-the-sole-agency-for-the
 6 administration-of-the-State-plan,

7 "(B)-provides-that-funds-paid-to-the-State-under
 8 this-subsection-will-be-expended-solely-on-programs
 9 approved-by-the-State-agency-which-carry-out-any-of-the
 10 objectives-of-subsection-(c);-and

11 "(C)-provides-that-the-State-agency-will-make-such
 12 reports,-in-such-form,-and-containing-such-information,
 13 as-the-Chairman-may-require."

14 (b)(4)-Section-7(f)(3)-of-each-Act-is-repealed.

15 (2)-Paragraphs-(4),-(5),-(6),-and-(7)-of-such-section
 16 7(f)-are-redesignated-as-paragraphs-(3),-(4),-(5),-and-(6),
 17 respectively.

18 (3)-Paragraph-(8)-of-such-section-7(f)-is-repealed.

19 (e)(4)-Section-7(f)(3)-of-such-Act-(as-redesignated-by
 20 subsection-(b))-is-amended--

21 (A)-by-striking-out-"grant-recipient"--each-time-it
 22 appears-and-inserting-in-lieu-thereof-"State",

23 (B)-by-striking-out-"grant-recipients"--each-time-it
 24 appears-and-inserting-in-lieu-thereof-"States",

25 (C)-by-striking-out-"entities"--and-inserting-in
 26 lieu-thereof-"States-and-regional-groups",

27 (2)-Section-7(f)(4)(B)-of-such-Act-(as-redesignated-by
 28 subsection-(b))-is-amended-by-striking-out-"grant
 29 recipient"--and-inserting-in-lieu-thereof-"State-agency",

30 (3)-Section-7(f)(5)-of-such-Act-(as-redesignated-by
 31 subsection-(b))-is-amended-by-striking-out-"any-entity"--and
 32 inserting-in-lieu-thereof-"a-State",

33 (4)-Section-7(f)(6)-of-such-Act-(as-redesignated-by
 34 subsection-(b))-is-amended--

(A)-by-striking-out-~~"grant-recipient"~~-in-clause-(A)
and-inserting-in-lieu-thereof-~~"group"~~;

(B)-by-striking-out-~~"grant-recipient"~~-in-clause-(B)
and-inserting-in-lieu-thereof-~~"State-agency"~~;

(C)-by-inserting-~~"State"~~-before-~~"plan"~~-in-clause
(B);

(D)-by-striking-out-~~"grant-recipient"~~-in-clause-(C)
and-inserting-in-lieu-thereof-~~"group-or-State-agency"~~;

and

(E)-by-striking-out-~~"grant-recipient"~~-each-time-it
appears-in-the-matter-following-clause-(C)-and-inserting
in-lieu-thereof-~~"group-or-State-agency"~~;

(5)-Section-7(g)-of-such-Act-is-amended-by-striking-out
~~"entity"~~-and-inserting-in-lieu-thereof-~~"agency"~~;

AUTHORIZATION-OF-APPROPRIATIONS

Sec. 3. (a)(4)-Section-44(a)(4)(A)-of-the-National
Foundation-on-the-Arts-and-the-Humanities-Act-of-1965-is
amended-by-striking-out-~~"years"~~-and-inserting-in-lieu
thereof-~~"year"~~-and-by-striking-out-~~"and-1980"~~-and
inserting-in-lieu-thereof-~~"and-for-each-fiscal-year-ending~~
~~prior-to-October-1, 1985"~~;

(2)-Section-44(a)(4)(B)-of-such-Act-is-amended-by
striking-out-~~"years"~~-and-inserting-in-lieu-thereof-~~"year"~~
and-by-striking-out-~~"and-1980"~~-and-inserting-in-lieu
thereof-~~"and-for-each-fiscal-year-ending-prior-to-October-1,~~
~~1985"~~;

(b)-Section-44(a)(2)-of-such-Act-is-amended-by-striking
out-~~"October-1, 1980"~~-and-inserting-in-lieu-thereof
~~"October-1, 1985"~~-by-striking-out-~~"years"~~-and-inserting
in-lieu-thereof-~~"year"~~-and-by-striking-out-~~"and-1980"~~
and-inserting-in-lieu-thereof-~~"and-for-each-fiscal-year~~
~~ending-prior-to-October-1, 1985"~~;

(c)(4)(A)-The-first-sentence-of-section-44(a)(3)(A)-of
such-Act-is-amended-by-striking-out-~~"October-1, 1980"~~-and

1 inserting-in-lieu-thereof--"October-1, 1985"--,

2 (B)-The-second-sentence-of-such-section-is-amended-by
3 striking-out--"years"--and-inserting-in-lieu-thereof
4 "year",-and-by-striking-out--"and-1980"--and-inserting-in
5 lieu-thereof--"and-for-each-fiscal-year-ending-prior-to
6 October-1, 1985"--,

7 (2)(A)-The-first-sentence-of-section-44(a)(3)(B)-of-such
8 Act-is-amended-by-striking-out--"October-1, 1980"--and
9 inserting-in-lieu-thereof--"October-1, 1985"--,

10 (B)-The-second-sentence-of-such-section-is-amended-by
11 striking-out--"years"--and-inserting-in-lieu-thereof
12 "year",-and-by-striking-out--"and-1980"--and-inserting-in
13 lieu-thereof--"and-for-each-fiscal-year-ending-prior-to
14 October-1, 1985"--,

15 (d)(1)-Section-209(a)-of-the-Museum-Services-Act-is
16 amended-by-striking-out--"fiscal-years-1979-and-1980"--and
17 inserting-in-lieu-thereof--"the-fiscal-year-1979-and-for-each
18 of-the-succeeding-fiscal-years-ending-prior-to-October-1,
19 1985"--,

20 (2)-Section-209(d)-of-such-Act-is-amended-by-striking-out
21 "1980"--and-inserting-in-lieu-thereof--"1985"--,

22 Arts-at-the-local-level

23 Sec. 4.-(a)-Section-5(e)-of-the-National-Foundation-on
24 the-Arts-and-Humanities-Act-of-1965-is-amended-by
25 redesignating-clause-(5)-as-clause-(6)-and-by-inserting-after
26 clause-(4)-the-following-new-clause:

27 " (5)-programs-for-the-arts-at-the-local-level,
28 and",

29 (b)-Section-5(e)-of-such-Act-is-further-amended-by
30 striking-out--"clause-(5)"--and-inserting-in-lieu-thereof
31 "clause-(6)".

32 That this Act may be cited as the "Arts and Humanities Act
33 of 1979".

34 DEFINITION OF HUMANITIES

1 Sec. 2. Section 3 (a) of the National Foundation on the
 2 Arts and the Humanities Act of 1965 (hereinafter referred to
 3 as the "Act"), is amended by striking out "theory, and
 4 practice" and inserting in lieu thereof "and theory".

*Requested
by Endowment*

5 PURPOSES OF ARTS GRANTS

6 Sec. 3. (a) Section 5 (c) (1) of the Act is amended by
 7 inserting "and cultural diversity" after "American
 8 creativity".

*Requested by
Endowment*

9 (b) (1) Section 5 (c) of the Act is amended by
 10 redesignating clause (5) as clause (6) and by inserting after
 11 clause (4) the following new clause:

12 "(5) programs for the arts at the local level;
 13 and".

*Bill initiative to
give local arts
agencies a boost*

14 (2) The last sentence of section 5 (c) of such Act is
 15 amended--

16 (A) by striking cut "clause (5)" and inserting in
 17 lieu thereof "clause (6)"; and

18 (B) by striking cut "Labor and Public Welfare" and
 19 inserting in lieu thereof "Labor and Human Resources".

*Requested
by Endowment*

20 STATE ARTS GRANTS

21 Sec. 4. Section 5 (a) of the Act is amended--

22 (1) by striking cut all that follows "State plan"
 23 in the text of paragraph (2) (A) and inserting in lieu
 24 thereof a semicolon; and

25 (2) by adding at the end of paragraph (4) the
 26 following new subparagraph:

27 "(E) For the purpose of paragraph (3) (B) of this
 28 subsection, the term "State" includes, in addition to the
 29 several States of the Union, only the special jurisdictions
 30 listed in section 3 (a) of this Act having a population of
 31 200,000 or more, according to the latest decennial census."

*limits grants to
outlying territories
to \$200,000*

32 INTERAGENCY AGREEMENTS

33 Sec. 5. Section 5 (k) of the Act is amended by adding at
 34 the end thereof the following: "The Chairman may enter into

1 interagency agreements to promote or assist with the arts-
 2 related activities of other Federal Government agencies, on a
 3 reimbursable or nonreimbursable basis, and may use funds
 4 authorized for the purposes of section 5 (c) of this Act for
 5 the costs of such activities.''.

Endowment

6 CHALLENGE GRANTS

7 Sec. 6. (a) The matter preceding paragraph (1) of section
 8 5 (1) of the Act is amended by inserting ''strengthening
 9 quality by'' after ''for the purpose of''.

10 (b) Section 11 (a) (4) of the Act is repealed.

11 REPEALER

12 Sec. 7. Section 5 of the Act is amended by repealing
 13 subsection (m).

*Repeals Bicentennial
film authorization*

14 NATIONAL COUNCIL ON THE ARTS

15 Sec. 8. Section 6 of the Act is amended by inserting
 16 after the first sentence of subsection (c) thereof the
 17 following: ''The term of office of all Council members shall
 18 expire on the third day of September in the year of
 19 expiration.''.

20 ACTIVITIES OF THE NATIONAL ENDOWMENT ON THE HUMANITIES

21 Sec. 9. (a) Section 7 (c) (2) of the Act is amended by
 22 striking out the word ''loans,'' in the matter in parentheses
 23 and by deleting all that follows the first semicolon.

24 (b) The last sentence of section 7 (c) of the Act is
 25 amended by striking out ''Labor and Public Welfare'' and
 26 inserting in lieu thereof ''Labor and Human Resources''.

Endowment

27 STATE HUMANITIES COUNCILS

28 Sec. 10. (a) Section 7 (f) (2) of the Act is amended to
 29 read as follows:

30 ''(2) (A) Whenever a State desires to designate or to
 31 provide for the establishment of a State agency as the sole
 32 agency for the administration of the State plan, such State
 33 shall certify such designation or provision prior to the
 34 beginning of each fiscal year and shall match from State

PELL

*Option 1 - Gov.
must certify intent
to have State
agency before
start of fiscal
year; must put
up \$100,000 of
State matching
funds*

1 funds, 50 per centum of that portion of Federal financial
 2 assistance received by such State under this subsection which
 3 is described in the first sentence of paragraph (4) of this
 4 subsection relating to the basic State grant. In any State in
 5 which the State selects the option described in this
 6 paragraph the State shall submit an application for grants at
 7 such time as shall be specified by the Chairman and accompany
 8 such application with a plan which the Chairman finds--

9 “(1) designates or provides for the establishment of
 10 a State agency (hereafter in this section referred to as
 11 the ‘State agency’) as the sole agency for the
 12 administration of the State plan;

13 “(ii) provides, from State funds, an amount equal to
 14 50 per centum of the amount of Federal financial
 15 assistance described in the first sentence of paragraph
 16 (4) of this subsection received by such State under this
 17 subsection for the fiscal year involved;

18 “(iii) provides that funds paid to the State under
 19 this subsection will be expended solely on programs
 20 approved by the State agency which carry out the
 21 objectives of subsection (c); and

22 “(iv) provides that the State agency will make such
 23 reports, in such form, and containing such information,
 24 as the Chairman may require.

25 “(B) In any State in which the chief executive officer
 26 of the State fails to certify under subparagraph (A) to the
 27 Chairman that the State does not wish to comply with the
 28 option provided by subparagraph (A) of this paragraph, the
 29 grant recipient in that State shall--

30 “(1) establish a procedure which assures that four
 31 members of the governing body of such grant recipient
 32 shall be appointed by an appropriate officer or agency of
 33 such State; and

34 “(ii) provide, from any source, an amount equal to

Option 2 - If
governor does
not certify,
existing State
committees
continue, with
4 Governor's
appointees
rather than
current 2

1 the amount of Federal financial assistance received by
2 such grant recipient under this subsection in the fiscal
3 year involved.'''.

4 (b) Section 7 (f) (3) of the Act is amended to read as
5 follows:

6 ''(3) Whenever a State selects to receive Federal
7 financial assistance under this subsection in any fiscal year
8 under subparagraph (2) (B), any appropriate entity desiring
9 to receive such assistance shall submit an application for
10 such grants at such time as shall be specified by the
11 Chairman. Each such application shall be accompanied by a
12 plan which the Chairman finds--

13 ''(A) provides assurances that the grant recipient
14 will comply with the requirements of paragraph (2) (B) of
15 this subsection;

16 ''(B) provides that funds paid to the grant recipient
17 will be expended solely on programs which carry out the
18 objectives of subsection (c) of this section;

19 ''(C) establishes a membership policy which is
20 designed to assure broad public representation with
21 respect to programs administered by such grant recipient;

22 ''(D) provides a nomination process which assures
23 opportunities for nomination to membership from various
24 groups within the State involved and from a variety of
25 segments of the population of such State, and including
26 individuals who by reason of their achievement,
27 scholarship, or creativity in the humanities, are
28 especially qualified to serve;

29 ''(E) provides for a membership rotation process
30 which assures the regular rotation of the membership and
31 officers of such grant recipient;

32 ''(F) establishes reporting procedures which are
33 designed to inform the chief executive officer of the
34 State involved, and other appropriate officers and

Current law

1 agencies, of the activities of such grant recipient;

2 “(G) establishes procedures to assure public access
3 to information relating to such activities; and

4 “(H) provides that such grant recipient will make
5 reports to the Chairman, in such form, at such times, and
6 containing such information, as the Chairman may
7 require.”.

8 (c) (1) Section 7 (f) (4) of the Act is amended--

9 (A) by inserting “State and” immediately before
10 “grant recipient” each time it appears;

11 (B) by inserting “States and” immediately before
12 “grant recipients” each time it appears; and

13 (C) by inserting before “entities” the following:
14 “States and regional groups and”.

15 (2) Section 7 (f) (5) (A) of the Act is amended by
16 striking out “Whenever the provisions of paragraph (3) (B)
17 of this subsection apply in any State, that part of any” and
18 inserting in lieu thereof the following: “The amount of each
19 allotment to a State for any fiscal year under this
20 subsection shall be available to each State or grant
21 recipient, which has a plan or application approved by the
22 Chairman in effect on the first day of such fiscal year, to
23 pay not more than 50 per centum of the total cost of any
24 project or production described in paragraph (1). The amount
25 of any”.

26 (3) Section 7 (f) (5) (B) of the Act is amended by
27 inserting “State agency or” before “grant recipient”.

28 (4) Section 7 (f) (6) of the Act is amended by inserting
29 “a State or” before “any entity”.

30 (5) Section 7 (f) (7) of the Act is amended--

31 (A) by inserting “group or” before “grant
32 recipient”;

33 (B) by inserting “State agency or” before “grant
34 recipient”;

conforming technical

(C) by striking cut "plan" in clause (B) and inserting in lieu thereof "State plan or grant recipient application";

(D) by inserting "group or State agency or" before "grant recipient" in clause (C); and

(E) by inserting "group, State agency or" before "grant recipient" each time it appears in the matter following clause (C).

(6) Section 7 (f) (8) of the Act is amended by striking out "paragraphs (4), (5), and (6)" and inserting in lieu thereof "the third sentence of paragraph (4), and paragraphs (5) and (6)".

(7) Section 7 (g) of the Act is amended by inserting "agency or" before "entity".

(d) Section 7 (f) (5) of the Act is further amended by adding at the end thereof the following new paragraph:

"(E) For the purpose of paragraph (4) (B) of this subsection, the term 'State' and the term 'grant recipient' include, in addition to the several States of the Union, only the special jurisdictions listed in section 3 (g) of this Act having a population of 200,000 or more, according to the latest decennial census."

(e) Section 7 of the Act is further amended by inserting immediately after subsection (b) the following new subsection:

"(i) The Chairman may enter into interagency agreements to promote or assist with the humanities-related activities of other agencies of the Federal Government, on either a reimbursable or nonreimbursable basis, and may use funds authorized for the purposes of section 7 (c) of this Act for the costs of such activities."

APPLICATION SUBJECT TO NATIONAL COUNCIL ON THE HUMANITIES RECOMMENDATIONS

Sec. 11. Section 8 (f) of the Act is amended by striking

Endowment X

*Increases
Humanities
Chairman's
grants from*

\$17,500 to \$30,000

*(no increase in total \$
available for Chairman's grant)*

1 cut ``\$17,500`` and inserting in lieu thereof ``\$30,000``.

2 ADMINISTRATIVE PROVISIONS

3 Sec. 12. (a) Section 10 (a) (4) of the Act is amended by
 4 inserting ``and culturally diverse`` after the word
 5 ``geographic``.

6 (b) (1) Section 10 (b) of the Act is amended by striking
 7 cut ``January`` and inserting in lieu thereof ``April``.

8 (2) Section 10 (c) of the Act is amended by striking cut
 9 ``January`` and inserting in lieu thereof ``April``.

10 AUTHORIZATION OF APPROPRIATIONS

11 Sec. 13. (a) (1) Section 11 (a) (1) (A) of the Act is
 12 amended by striking cut ``years`` and inserting in lieu
 13 thereof ``year`` and by striking out ``and 1980`` and
 14 inserting in lieu thereof ``and for each fiscal year ending
 15 prior to October 1, 1985``.

16 (2) Section 11 (a) (1) (B) of the Act is amended by
 17 striking out ``years`` and inserting in lieu thereof ``year``
 18 and by striking out ``and 1980`` and inserting in lieu
 19 thereof ``and for each fiscal year ending prior to October 1,
 20 1985``.

21 (b) Section 11 (a) (2) of the Act is amended to read as
 22 follows:

23 ``(2) (A) There are authorized to be appropriated for
 24 each fiscal year ending prior to October 1, 1985 to the
 25 National Endowment for the Arts and to the National Endowment
 26 for the Humanities an amount equal to the total amounts
 27 received by each Endowment under section 10 (a) (2) and by
 28 the grantees of each Endowment for the purposes of section 10
 29 (a) (2).

30 ``(B) There are authorized to be appropriated to the
 31 National Endowment for the Arts for each fiscal year ending
 32 prior to October 1, 1985 an amount equal to the total amounts
 33 received by such Endowment and by the grantees of such
 34 Endowment for the purposes described in section 5 (1) (1)

Endowment X

Endowment

Allows recipients of Treasury & Challenge grants to certify that they have matching funds, rather than requiring them to send them to the Endowments for regranting

CUTS
PAPERWORK

1 pursuant to section 10 (a) (2).

2 “(C) There are authorized to be appropriated to the
3 National Endowment for the Humanities for each fiscal year
4 ending prior to October 1, 1985 an amount equal to the total
5 amounts received by such Endowment and by the grantees of
6 such Endowment for the purposes described in section 7 (h)
7 (1) pursuant to section 10 (a) (2).”.

8 “(D) The Chairman of the National Endowment for the Arts
9 and the Chairman of the National Endowment for the
10 Humanities, as the case may be, shall issue guidelines to
11 implement the provisions of this paragraph which are
12 consistent with the requirements of sections 5 (e), 7 (f), 5
13 (1) (2), and 7(h) (2), as the case may be.”.

14 (c) (1) (A) The first sentence of section 11 (a) (3) (A)
15 of the Act is amended by striking out “October 1, 1980” and
16 inserting in lieu thereof “October 1, 1985”.

17 (B) The second sentence of such section is amended by
18 striking out “years” and inserting in lieu thereof
19 “year”, and by striking out “and 1980” and inserting in
20 lieu thereof “and for each fiscal year ending prior to
21 October 1, 1985”.

22 (2) (A) The first sentence of section 11 (a) (3) (B) of
23 the Act is amended by striking out “October 1, 1980” and
24 inserting in lieu thereof “October 1, 1985”.

25 (B) The second sentence of such section is amended by
26 striking out “years” and inserting in lieu thereof
27 “year”, and by striking out “and 1980” and inserting in
28 lieu thereof “and for each fiscal year ending prior to
29 October 1, 1985”.

30 (d) Section 11 (c) of the Act is amended by inserting
31 after the word “Act” a comma and the following: “including
32 not to exceed \$35,000 in any fiscal year for official
33 reception and representation expenses for each Endowment.”.

PELL
Limits
entertainment
funds to
\$35,000 per
Endowment

RATIONALE FOR SUBSTITUTE AMENDMENT BY SENATOR JENNINGS RANDOLPH
TO STATE HUMANITIES COUNCIL PROVISIONS:

Provisions under Sec. 7(f)(2)(A):

Mandatory designation of the existing Humanities Councils in States desiring to designate a State agency, and the requirement that Governors appoint new members through a natural rotation (or attrition) process until such time as he has appointed the entire Board, are meant to assure a smooth transition from private voluntary council operation to State agency operation of humanities programs. (2(A) and 2(A)(v))

The provision that a State, which elects to designate, must ^{for} appropriate/its matching share a sum or amount equal to at least 35 percentum of the total assistance received under paragraph (4) (rather than the first sentence of paragraph (4)), is so that small States do not incur undue hardships while larger states receive a share out of proportion to their State matching share -- i.e., a ^{matching} fixed/sum for all States is inequitable: For example, WV receives \$300,000 from all sources under paragraph (4), whereas ~~it~~ ^{a larger} state might receive as much as \$ 800,000, yet each would be required to put up ^{only} \$100,000 each in state funds. (2(A)(ii))

The requirement that State matching funds must be newly appropriated each year, is to prevent other State Agency funds (such as State Arts Agencies) from being raided to establish the new agency, while at the same time assures the concurrence of the State's Legislature in the agency designation. (2(A)(iv))

The requirement that all funding available for the Humanities programs in the States shall be used for the purpose of conducting public-humanities projects, is to prevent an immediate raid, or drain on funds for predominantly academic, scholarly, or other non-public programs. (2(A)(iii))

Provisions under Sec. 7(f)(2)(B):

Those States not picking up the option to designate state agencies, will revert to current law, except ~~that~~ ^{Also} the Governor is empowered to appoint 4 members to the Councils, instead of the current two members, will ^{also} prevent Governors from allowing the program to die, through inaction, such as that proposed in the certification, non-certification, process in the Pell amendment.